

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
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Man Sung Co, *et al.* ) Group Art Unit: 1644  
 )  
Serial No.: 09/249,011 ) Examiner: P. Gambel  
 )  
Filed: February 12, 1999 )  
 )  
For: HUMANIZED IMMUNOGLOBULIN )  
REACTIVE WITH B7-2 MOLECULES )  
AND METHODS OF TREATMENT )  
THEREWITH )  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**MICROORGANISM DEPOSIT DECLARATION UNDER 37 C.F.R. § 1.808(a)**

I, M. Andrea Ryan, do hereby declare and say that:

1. Genetics Institute, Inc. is the assignee of the above-identified patent application.

2. On information and belief, the recombinant CHO cell line which produces the humanized anti-B7-2 monoclonal antibody was deposited on May 5, 1998 under Accession Number CRL-12524 to assure availability of the cell culture to the public.

3. On information and belief, the A.T.C.C. has acquired the status of International Depository Authority within the meaning of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

4. Said culture has been deposited under conditions which ensure that access to the culture will be available during the pendency of this patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. Section 1.14 and 35 U.S.C. Section 1.22.

5. No later than issuance of a patent on this application, Genetics Institute will irrevocably remove any restrictions as to public availability of this culture deposit except as permitted by 37 C.F.R. Section 1.808(b), and will replace the culture deposit should it become nonviable, during the period that extends thirty years from the date of the deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest.

6. I further declare that all statements made herein of my own knowledge are true; that all statements made on information and belief are believed to be true; that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

8/28/02  
Date

  
Name: M. Andrea Ryan  
Title: Assistant Secretary